

ORIGINAL

Approved:

Benjamin W. Schrier
 BENJAMIN WOODSIDE SCHRIER
 Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
 United States Magistrate Judge
 Southern District of New York

19MAG3227.

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UNITED STATES OF AMERICA	:	:	<u>SEALED COMPLAINT</u>
- v. -	:	:	Violation of 8 U.S.C.
ANTHONY MANUEL ABUD REYNOSO,	:	:	§§ 1326(a) & (b)(2)
a/k/a "Anthony Reynoso,"	:	:	
Defendant.	:	:	COUNTY OF OFFENSE:
	:	:	BRONX
- - - - -	X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTIAN SABATINO, being duly sworn, deposes and says that he is a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE
 (Illegal Reentry)

1. From at least on or about January 6, 2019, in the Southern District of New York and elsewhere, ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, being an alien, unlawfully did enter and was found in the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) and (b)(2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of the records maintained by ICE regarding ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, I have learned, among other things, the following:

a. REYNOSO is a native and citizen of the Dominican Republic. REYNOSO is not and has never been a citizen of the United States.

b. On or about December 1, 2007, REYNOSO entered the United States at or near New York, New York, on an F-25 immigrant visa.

c. On or about May 27, 2014, in the United States District Court for the Southern District of New York, a two-count complaint was sworn out against REYNOSO charging him and others with conspiracy to commit access device fraud, in violation of 18 U.S.C. § 1029(b)(2), and aggravated identity theft, in violation of 18 U.S.C. §§ 1028A(a)(1), 1028A(b), and 2. Also on or about May 27, 2014, in the United States District Court for the Southern District of New York, a warrant was issued for REYNOSO's arrest.

d. On or about May 30, 2014, in connection with the charges described in the preceding paragraph, REYNOSO was arrested by the United States Secret Service ("USSS"). Also on or about May 30, 2014, REYNOSO's fingerprints were taken by the USSS. REYNOSO's fingerprints taken on or about that date have since been maintained in law enforcement records.

e. On or about August 25, 2014, in the United States District Court for the Southern District of New York, REYNOSO pleaded guilty to a one-count information charging him

with access device fraud, in violation of 18 U.S.C. § 1029(a)(5).

f. On or about January 29, 2015, in the United States District Court for the Southern District of New York, in connection with the guilty plea described in the preceding paragraph, REYNOSO was sentenced to a six-month term of imprisonment, and ordered to pay \$64,239.92 in restitution.

g. On or about August 26, 2015, REYNOSO was taken into ICE custody, and removal proceedings were initiated against him. The basis for REYNOSO's removal proceedings was 8 U.S.C. § 1227(a)(2)(A)(iii), which provides that any alien who is convicted of an aggravated felony at any time after admission is deportable. REYNOSO's conviction for access device fraud in violation of 18 U.S.C. § 1029(a)(5) qualified as an aggravated felony because the offense involved fraud or deceit and the loss to the victim or victims exceeded \$10,000, as defined in 8 U.S.C. § 1101(a)(43)(M).

h. On or about September 9, 2015, the immigration judge assigned to REYNOSO's case ordered him removed from the United States.

i. On or about October 20, 2015, REYNOSO was removed from the United States at or around Miami, Florida. Also on or about October 20, 2015, REYNOSO's fingerprints were taken by ICE. REYNOSO's fingerprints taken on or about that date have since been maintained in law enforcement records.

4. Based on my review of criminal history and other records for ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, I have learned, in substance and in part, that on or about January 6, 2019, in the Bronx, New York, REYNOSO was arrested by the New York City Police Department ("NYPD"), and charged with operating a motor vehicle while under the influence of alcohol or drugs, in violation of New York Vehicle and Traffic Law §§ 1192(2) and (3). Also on or about January 6, 2019, REYNOSO's fingerprints were taken by the NYPD. REYNOSO's fingerprints taken on or about that date have since been maintained in law enforcement records.

5. Based on my review of fingerprint records, the fingerprints taken by the USSS from ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, on or about May 30, 2014, match the fingerprints taken from REYNOSO by ICE on or

about October 20, 2015, and the fingerprints taken from REYNOSO by the NYPD on or about January 6, 2019.

6. A search of all relevant Department of Homeland Security indices has confirmed that, following his removal from the United States on or about October 20, 2015, ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, never obtained the express consent of the Attorney General of the United States, or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

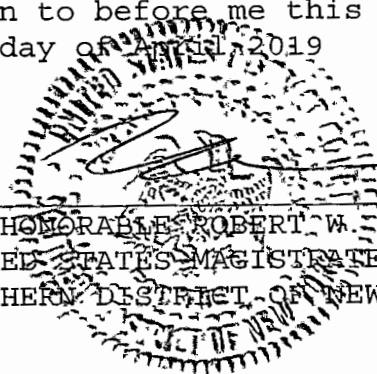
7. Based upon my experience with ICE, I understand that the August 25, 2014 conviction of ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, for access device fraud, in violation of 18 U.S.C. § 1029(a)(5), qualifies as an "aggravated felony" within the meaning of Section 1326(b)(2) of Title 8 of the United States Code.

WHEREFORE the deponent requests that a warrant be issued for the arrest of ANTHONY MANUEL ABUD REYNOSO, a/k/a "Anthony Reynoso," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



CHRISTIAN SABATINO
Deportation Officer
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me this
2nd day of April, 2019



THE HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK